88-1492

Supreme Court, U.S.
FILED
FEB 11 1989
JOSEPH F. SPANIOL, JR.
CLERK

NO._____

IN THE SUPREME COURT OF THE UNITED STATES

FEBRUARY 12, 1989

ISAIAH CRAWFORD, PETITIONER

VS.

THE CITY OF MACON GA.RESPONDENT

PETITION FOR WRIT OF CERTIORARI TO

THE UNITED STATES COURT OF APPEAL

FOR THE ELEVENTH CIRCUIT

ISAIAH CRAWFORD

143 MOSLEY AVE.

MACON GA. 31294

(912) 742-7440

PRO SE

8/PP

QUESTION PRESENTED

1. Does the FEDERAL COURT OF APPEAL err in confirming the summary judgment of respondent.

2. Does the FEDERAL COURT OF APPEAL eule according to the filing of 1983ACT.

3. Whether summary judgment should have been grantee summary judgment.

4. Does Respondent give enough details to be grantee summary judgment.

5. Whether the Respondent is a person under color of 1983ACT and Petitioner have justified the statute against Respondent and be granted summary judgment

6. Does FEDERAL COURT OF APPEAL err in per curian failing to see the criminality of the incident and the neglience of Respondent

7. Whether Respondent err in decision that no wrong doing on behalf of officer JACK Abram

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TABLE OF AUTHORITIES

UNITED STATES CODE

USC 1985 (3)

CIVIL CODE

CIVIL CODE 1985 SEC. 748

GEORGIA CODE

ARTICLE 1 PARA. 2

GA. L.P1312 SEC.1(b)

MACON GA.CODE

SEC. 1-102

SEC. 3-202

SEC 3-202 (a)

NO.....

IN THE SUPREME COURT OF THE UNITED STATES

FEBRUARY 8,1989

ISAIAH CRAWFORD,PETITIONER

VS.

THE CITY OF MACON GA. RESPONDENT

PETITION FOR A WRIT OF CERTIORIA TO

THE UNITED STATES COURT OF APPEAL

FOR THE ELEVENTH CIRCUIT

ISAIAH CRAWFORD

143 MOSLEY AVE.

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OPINION BELOW

The DISTRICT and FEDERAL COURT OF APPEALS have not ruled in suit as being A 1983 ACT against the city of MACON GA. (respondent) which was the action accepted by the DISTRICT COURT. Respondent motion for dismissal on the basic that respondent were not subject under statute 1983ACT the DISTRICT COURT denied the motion, but also refuse to rule the respondent as being under color as the moving force behind suit. Petitioner has shown wrong doing by officer ABRAM and failure to give due process by respondent.(stop petitioner face to face writes no ticket ,no arrest,no search point gun at Petitioner,call for back up no blue lights

JURISDICTION

Involking federal jurisdiction under 42 1983ACI the Petitioner brought this suit in the DISTRICT COURT MIDDLE GA. on January 15, 1987 the DISTRICT COURT accepted motion for summary judgment from Petitioner and RESPONDENT . SUMMARY JUDGMENT was granted to RESPONDENT and denied to PETITIONER April 21,1988. Petitioner appeal to the ELEVENTH CIRCUIT COURT OF APPEALS May 11,1988 and entered judgment and PER CURIAN affirming the DISTRICT COURT decision December 12, 1988 Petitioner petition for RE HEARING IN BANC and was denied January 12,1989 The jueisdiction of this court to review the judgment is is involked 28 USC 1254

STATEMENT OF THE CASE

Petitioner proceeding as Pro Se as pursuant to USC 1983ACT. The complaint states on three sixteen March nineteen eighty-five Petitioner complain to the city of MACON GA. that a Macon police officer attempted to murder(conspired) the Respondent say that no wrong doing on behalf of police officers. Petitioner sought with respondent to give due process of law. The respondent would not give or release information pertaning to any statement from officers and concluded their investigation that the officers done no wrong. Upon said incident and unconstitutional acts of deprivation by Respondent prompt this suit against Respondent to obtain and maintain constitutuinal rights which is outlined in complaint.

The theory of Petitioner 1983ACT was that and incident took place which carries merits of criminal activities. Petitioner saw officer Jack Abram) three times before the fourth time in which weapon(gun) was drawn in a firing position.

Poiting directly at Petitioner,Petitioner have shown officer (Jack Abram)cross the middle line on appox. 45 degree angle being face to face, which is no normal stop,writes no ticket,no search,no arrest, what did Petitioner do to be stop for. Respondent stated no wrong doing by officer Jack Abram he called for back up. Respondent should have found wrong doing on behalf of officer JACK ABRAM and according to their investigation and proceedings haven't shown justification of officer (JACK ABRAM) action instead have accepted his action and denied Petitioner complaint of attempt to murder(conspired) Respondent tires to cover it up no wrong doing on behalf of officer Jack Abram. petitioner could possible show(shown) a burden of proof against Respondent.

REASON FOR GRANTING THE WRIT

The case was file under USC 1983ACT, DISTRICT AND FEDERAL COURT OF APPEALS has not rule as to pursuant to Rspondent being under color of statute 1983ACT thePetitioner have shown evidence as to criminal activities which is rejected by Respondent and gives no certainty of the incident which merits criminal activities. Petitioner complaint,proceedings,depositions shows criminal action (probably cause) and the decision of Respondent(no wrong doing) should be ruled unconstitutional and negliance of 1983ACT Respondent should have been moved to turn information over to other authorities(possible to be made a case)

CONCLUSION

Petitioner belives this is a rae case and this is the only oportitunity for Petitioner to seek review of the ruling of this court. Petitioner should not been stop face to face if Petitioner done anything wrong officer should have wrote a ticket

anything wrong officer JackAbram should have wrote a ticket or made a char ge. Respondent should have found wrong doing.

Respectfully Submitted

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APPENDIX "A"

UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

ISAIAH CRAWFORD, PLAINTIFF-APPELLANT

VS.

THE CITY OF MACON GA.DEFENDANT-APPELLEE

This order was filed December 15,1988

On appeal from the UNITED STATES DISTRICT COURT

FOR THE MIDDLE DISTRICT OF GEORGIA

Before JOHNSON AND HATCHETT,CIRCUIT JUDGES and

TUTTLE, senior circuit judge

PER CURIAM:

Isaiah Crawford filed this 42USC CA SEC1983, 1985 case against the city of Macon, Georgia, seeking damages and a public apology from the city of Macon.

The submission to the district court on cross motions for summary judgment reflected a "contention" by Crawford that, while he was delivering newspapers in the city of Macon at approximately 4:a.m. one of the city police officers stopped him swore

at him,order him out of his car, and pointed a revolver at him. When other officers arrived thery check Crawford's driver's license and vehicle registration and released him. The city's submission refelected that the Macon Police Department had no policy of police bruratility but rather trainded its officers to avoid improper use of force. appellant admits that at no time during the brief encounter did any officer physical harm him in any way. The District Court granted summary judgment in favor of the city observing that the theory of respondent superior cannot be the sole basics for a munixipality's liability and that there was no evidence of a police deptpartment or municipal that encourage unconstitutional acts. The summary judgment was proper in this case we affirm.

Entered for the Court

FOOTNOTE 1;

The federal and district court fail to point out the incident warranted state charge attempted to murder (conspired),assualt with a deadly weapon a police officer points a revolver at an individual and confess that he pulled it in the air but not at no one officer Jack Abram and Petitioner statements differ like night and day. the city of Macon Georgia district or federal COURT Gave No Certainty of why officer ABRAM drew his revolver. the city of Macon Georgia have agreed to all the officer done their fore it is their custom,policy,practice they found no wrong doing the incident was unconstitutional and criminaly intended. And the city of Macon Georgia being a muncipal should have inforce the power granted and given due process of law. Petitioner is willing to take an oath on his statements

APPENDIX B

UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

ISAIAH CRAWFORDAPPELLANT

VS.

NO.88-8316 Dec 12,1988

THE CITY OF MACON GA.APPELLEE

PETITION FOR REHEARING IN BANC

ISAIAH CRAWFORD

APPELLANT

ISAIAH CRAWFORD

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MACON GA.31204

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APPENDIX C

UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

ISAIAH CRAWFORD APPELLANT

VS. NO. 88-8316 Jan 12, 1989

THE CITY OF MACON GA. APPELLEE

PETITION FOR REHEARING IN BANC

ISAIAH CRAWFORD

APPELLANT

ISAIAH CRAWFORD

143 MOSLEY AVE.

MACON GA. 31204

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Before JOHNSON AND HATCHETT,CIRCUIT JUDGES AND TURTLE ,SENIOR CIRCUIT JUDGE.

PER CURIAN

The petition for rehearing are denied and no member of this panel nor other judge in regular service on the court having requested that the court be polled on rehearing in banc(rule 35,Federal rule

of appellant procedure;Eleventh Circuit Rule 35-5

the suggestion of rehearing in banc are denied.

entered for the court

APPENDIX D

D7

The judgment and opinion of district court cannot be found among Petitioner records Petitioner will have to seek such from the UNITED STATES COURT OF APPEALS ELEVENTH CIRCUIT.

ISAIAH CRAWFORD

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Isaiah Crawford